DEPARTMENT OF ECOLOGY
State of Washington

Issuance Date: March 12, 2009
Effective Date: July 1, 2009
Expiration Date: June 30, 2014

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA0040444

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7600

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Marine Industries Northwest, Inc.
P.O. Box 1275
Tacoma, Washington 98401

Facility Location: 313 East F Street Tacoma, WA 98421	Receiving Water: Middle Waterway Inner Commencement Bay
Water Body I.D. No.: WA-10-0020	Discharge Location: Latitude: 47° 15' xx" N Longitude: 122° 25' xx" W
Industry Type: Ship Repair and Conversion	Regulating incidental discharges from the dry-dock, marine railway and pierside vessel repair/conversion operations.

is authorized to discharge in accordance with the special and general conditions which follow.

Original signed by

Garin Schrieve, P.E.
Southwest Region Manager
Water Quality Program
Washington State Department of Ecology

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Refer to the Special and General Conditions of this permit for additional submittal requirements.

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S2.	Shellfish Protection	As necessary	
S4.C	Modification to Solid Waste Plan	As necessary	Within 30 days of modification
S4.C	Solid Waste Control Plan	1/permit cycle	January 2, 2013 if no modifications were submitted
S5.	Modification to Spill Plan	As Necessary	Within 30 days of modification
S5.	Spill Plan Update	1/permit cycle	January 2, 2013 if no modifications were submitted
S6.	Stormwater Pollution Prevention Plan	As Necessary	Within 30 days of modification
S6.	Stormwater Pollution Prevention Plan	1/permit cycle	January 2, 2013 if no modifications were submitted
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SPECIAL CONDITIONS

S1. DISCHARGE AUTHORIZATION

Beginning on the effective date and lasting through the expiration date of this permit, only incidental discharges from the marine railway, drydock and pierside during vessel repair/conversion operations to surface receiving water are authorized. Non-incidental discharges from these areas to surface water are prohibited. Stormwater, rinse water and hydroblast wastewater from these areas, as well as from the Permittee's yard operations, are routed to the Permittee's stormwater treatment system and hydroblast wastewater treatment system respectively. Non-incidental discharges of stormwater, rinse water and hydroblast wastewater from these areas to groundwater are authorized by and regulated under a separate State Waste Discharge Permit (No. ST 6175). The Permittee must implement all best management practices (BMPs) necessary to minimize the impact of their discharges from the marine railway, drydock and pierside operations to the environment. The intent of implementing a rigorous BMP program is to be able to comply with State water quality and sediment standards. The Permittee is, at all times, responsible for meeting State Surface Water Quality Standards (Washington Administrative Code [WAC] 173-201A) and Sediment Management Standards (WAC 173-204). Failure of the Permittee (or its contractors or subcontractors) to implement the BMPs required as part of this permit are in violation of this permit.

S2. NONCOMPLIANCE NOTIFICATION

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee must:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, correct the problem and, if applicable, repeat sampling and analysis of any violation immediately and submit the results to the Department of Ecology (Ecology) immediately when the results are available, or no later than 30 days after availability of the test results when becoming aware of the violation;

2. Immediately notify Ecology of the failure to comply; and

3. Submit a detailed written report to Ecology within 30 days (five days for upsets and bypasses), unless requested earlier by Ecology. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

A. <u>Reporting – Shellfish Protection</u>

Unauthorized discharges from the dry-dock, marine railway and pierside during ship repair/conversion activities into the surface water, must be reported <u>immediately</u> upon discovery to the Department's of Ecology and Health, Shellfish Program. The Department of Ecology's Southwest Regional Office 24-hour number is 360-407-6300, and the Department of Health's Shellfish 24-hour number is 360-236-3330 (business) 360-786-4183 (after hours).

S3. BEST MANAGEMENT PRACTICES (BMPS) FOR MARINE RAILWAYS, DRYDOCK VESSEL, AND PIERSIDE VESSELS

The Permittee must implement the applicable source reduction and BMPs included in this Section for any applicable area which drains into the facility's stormwater collection and treatment systems. These same BMPs apply to dry-dock and marine railway operations which introduce stormwater discharge directly into the Middle Waterway and are covered under a separate State Waste Discharge Permit (No. ST 6175). The Permittee must inform and provide copies of the BMPs adopted in the SWPPP as required in Special Condition S6 of this permit to all employees, contractors, ship owners, and other customers. These BMPs must be posted conspicuously within the work areas.

A. Control of Large Solid Materials

Floatable and low density waste such as wood, plastic, and miscellaneous trash such as paper, insulation, and packaging must be removed from the drydock floors prior to flooding and marine railway daily.

B. Control and Cleanup of Paint Dust and Abrasive Blasting Debris

Dust and overspray must be confined to the shipyard repair and construction areas to the maximum extent feasible during abrasive blasting and spray painting of vessels and modules. Feasible methods of control include conducting the work in a sandblast/spray paint shed, or installing plastic barriers around the vessel. Plastic barriers hung from the vessel, or temporary structures around the vessel should be secure, sealed, and arranged to prevent the fugitive emissions of abrasive grit and dust, as well as effectively capture overspray from spray painting activities. The bottom edge of tarpaulins and plastic sheeting must be weighed or fastened to remain in place during windy conditions.

Consideration must also be given to other feasible innovative procedures as appropriate to improve the effectiveness of controlling dust emissions and paint overspray. Such innovative methods may include wet abrasive blasting (slurry blasting), product substitution for blasting media, e.g. sodium bicarbonate, or overall waste minimization and recycling, e.g. the use of vacuum return sandblasting heads or steel shot blast technology.

No abrasive blasting or spray painting must be performed while vessels are docked pier-side such that any material is discharged to the receiving water.

Cleanup of spent paint, paint chips, protective coating materials, and abrasives must be undertaken as part of the repair or production activities, to the extent maximally feasible, as to prevent their entry into state waters. Mechanical sweeper along with manual methods and any other innovative methods will be used for cleanup of spent paint, paint chips, protective coating materials and abrasives.

Spent abrasive blasting grit and debris must be collected and stored under cover in a designated area until it is transported off site for disposal.

Innovations and procedures which improve the effectiveness of cleanup operations must be adopted where they are feasible, appropriate, and can be demonstrated as preventing the discharge of solids to water.

After a vessel has been removed from the drydock and the dock has been deflooded for repositioning of the keel and bilge blocks, the remaining areas of the floor which were previously inaccessible must be cleaned by scraping or broom cleaning prior to the introduction of another vessel into the drydock. The requirement to clean the previously inaccessible area must be waived either in emergency situations or when another vessel is ready to be introduced into the drydock within 15 hours.

C. In-Water Vessel Maintenance – Surface Preparation BMPs

The cleaning of any portion of a vessel's hull below the waterline while the vessel is afloat is prohibited.

The following types of surface preparation activities are allowed to be conducted on a vessel's hull above the waterline while it is at a permitted shipyard facility. These activities are only allowed provided that containment and collection BMP measures are in effect to prevent the introduction of dust, dirt, debris or any other pollutants generated from these surface preparation operations from being deposited on, or enter into waters of the state:

- Mechanical hand preparation, such as scraping or wire brushing;
- Conventional mechanical grinding or use of other powered mechanical abrading tools;
- Innovative abrasive blasting systems or ultra-high water pressure systems for surface preparation will be allowed to be conducted on a vessel's hull while it is in the water provided that it has been demonstrated before-hand to Ecology's satisfaction that such methods do not release generated pollutants into waters of the state.

D. In-Water Vessel Maintenance – Paint and Coating Application BMPs

The following methods of paint and coating applications to a vessel's hull while in the water at a permitted shipyard are allowed provided that all containment, collection and spill prevention BMPs are in place before any such applications are made to a vessel's hull:

- Application by roller;
- Application by brush;
- Innovative spray-paint or spray-coating application methods will be allowed to be conducted on a vessel's hull while it is in the water provided that it has been demonstrated before-hand to Ecology's satisfaction that such methods do not release generated pollutants into the waters of the state.

E. BMPs for Floats Used for In-Water Vessel Maintenance

Floats are defined as free-floating, unattached work platforms capable of moving back and forth along the length of the ship and around its hull.

Floats must at all times maintain a minimum of 6-inch of freeboard at the floats' lowest point during all phases of maintenance operations. The minimum 6-inch freeboard requirement must be maintained with all scaffolding configurations and number of persons on board the float. All necessary precautions will be taken by personnel on board the float to prevent paints, cleaning materials, petroleum products, all other liquids and unsecured materials from entering into the water from the float.

Any container of paint, marine coating or any other liquid product for painting or surface preparation of one gallon or greater must be provided with secondary containment when used on board a float. All roller pans used on a float must be provided with secondary spill containment. Secondary spill containment capacity is equal to the entire volume of the container plus 10 percent of the volume of that same container.

F. Documentation Requirements for In-Water Vessel Maintenance BMPs

Documentation requirements will be in effect for any in-water surface preparation operations of one hour or more in duration and any in-water coating or painting operation involving one half gallon or more of paint or marine coating.

Documentation requirements will consist of, at a minimum, one or more representative photographs of all in-water vessel maintenance BMPs which are implemented for surface preparation operations and all painting and coating operations. All such photographs must be dated and maintained in a logbook with all necessary descriptive narrative of the in-water vessel maintenance BMPs being documented. These records must be made available to Ecology upon request and be retained on-site for at least three years.

G. Oil, Grease, and Fuel Spills, Prevention and Containment

No discharge of oil or hazardous material, or paint to state waters is allowed, except as specifically authorized by this permit. Oil, grease, fuel, or paint spills must be prevented from reaching drainage systems or surface waters. Cleanup must be carried out promptly after an oil, grease, fuel, or paint spill is detected. Oil containment booms and adsorbents must be conveniently stored so as to be immediately deployable in the event of a spill. All yard personnel that may participate in cleanup of spills must be trained in the use and deployment of cleanup equipment.

In the event of an accidental discharge of oil or hazardous material into waters of the state or onto land with a potential for entry into state waters, Ecology's Southwest Regional Office Spill Response Section and the United State Coast Guard must be notified immediately.

1. Cleanup efforts must commence immediately and be completed as soon as possible, taking precedence over normal work, and must include proper disposal of spilled material and used cleanup materials.

2. Cleanup of oil or hazardous material spills must be in accordance with an approved spill control plan, or according to specific instructions of the on-scene coordinator.

3. No emulsifiers or dispersants are to be used in or upon the waters of the state without prior approval from the Director of Ecology. Drip pans or other protective devices must be required for all oil transfer operations to catch incidental spills and

drips from hose nozzles, hose racks, drums or barrels. Oils and fuel storage tanks must be provided with secondary containment.

H. Paint and Solvent Use and Containment

The mixing of paints and solvents must be carried out in locations and under conditions such that no spill must enter state waters.

1. Drip pans or other protective devices must be required for all paint mixing and solvent transfer operations, unless the mixing operation is carried out in covered and controlled areas away from storm drains, surface waters, shorelines, and piers. Drip pans, drop cloths, or tarpaulins must be used wherever paints and solvents are mixed on wood docks. Paints and solvents must not be mixed on floats.

2. When painting from floats or near storm drains, paint must be in cans of five gallons or less. The paint containers must be kept in drip pans with drop cloths or tarpaulins underneath the drip pans.

3. Paint and solvent spills must be treated as oil spills and must be prevented from reaching storm drains and subsequent discharge into the water.

I. Contact Between Water and Debris

Shipboard cooling and non-contact process water must be directed as to minimize contact with spent abrasives, paint chips, and other debris. Contact between spent abrasives or paint chips and water will be reduced by proper segregation and control of wastewater streams. Appropriate methods must be incorporated to prevent accumulation of debris in drainage systems and debris must be promptly removed to prevent its discharge with stormwater.

J. Maintenance of Hoses, Soil Chutes, and Piping

Leaking connections, valves, pipes, hoses, and soil chutes carrying either water or wastewater must be replaced or repaired immediately. Soil chute and hose connections to vessels and to receiving lines or containers must be tightly connected and as leak free as practicable.

K. Bilge and Ballast Water

Bilge waters from machinery or pump room spaces are prohibited from discharge to state waters and must be handled accordingly by a waste oil hauler or tank cleaning service. Yard operators are to encourage vessel owners/operators to de-ballast prior to yard repair periods.

Ballast water must not be discharged to state waters if solvents, oil, detergents, or other known or suspected additives or contaminants have been added.

L. Chemical Storage

Solid chemicals, chemical solutions, paints, oils, solvents, acids, caustic solutions, and waste materials, including used batteries, must be stored in a manner which will prevent

the inadvertent entry of these materials into waters of the state. Storage must be in a manner that will prevent spills due to overfilling, tipping, or rupture. In addition, the following practices must be used:

1. All liquid products must be stored on durable impervious surfaces and within bermed containment capable of containing 110 percent of the largest single container in the storage area.

2. Waste liquids must be stored under cover, such as tarpaulins or roofed structures. All waste storage areas, whether for waste oil or hazardous waste, must be clearly designated as such, and kept segregated from new product storage.

3. Incompatible or reactive materials must be segregated and securely stored in separate containment areas that would prevent the inadvertent mixing and reaction of spilled chemicals.

4. Concentrated waste or spilled chemicals must be transported off-site for disposal at a facility approved by Ecology or appropriate county health authority in accordance with the solid waste disposal requirements of Special Condition S3. These materials must not be discharged to any sewer or state waters.

M. Recycling of Spilled Chemicals

Any intercepted chemical spill must be recycled back to the appropriate chemical solution tank or cleaned up and disposed of properly. The spilled material must be handled, recycled, or disposed of in such a manner as to prevent its discharge into state waters.

N. Identification of Pollutant Sources

To facilitate the consistent and effective implementation of the BMPs described above, the Permittee must develop a program for training its employees, and all contractors who work at the facility, on BMPs and the environmental concerns related to this permit. There are a variety of ways to accomplish this and the Permittee should determine the method that works best for the company.

For example, regular safety meetings may be a convenient time to discuss BMP implementation successes or problems and get input on better ways of accomplishing pollution prevention. The Permittee may consider providing similar information to its customers.

O. Sewage and Gray Water Discharges Prohibited

Owners of vessels under repair must be notified in writing by the Permittee that federal and state regulations prohibit the discharge of sewage and gray water into the waterways. If untreated, sanitary wastes from vessels must be discharged, the discharge must be into holding tanks that are periodically emptied into a sanitary sewer system. The Permittee will make available at all times a list of contractors providing disposal services and any other alternatives available for complying with these regulations, such as holding tanks and pump-out facilities.

P. Pierside Controls

It is Marine Industries Northwest's (MINW) responsibility to prevent, contain, and cleanup spills from any pierside vessel that MINW is working on.

Q. Additional Housekeeping BMPs

Clean regularly all accessible work, service, storage and access areas to remove debris, spent sandblasting material, dust, garbage and any other potential stormwater pollutants. This must be disposed of properly and immediately; at no time should this material be kept in exposed piles. Sweep rather than hose debris on the dock. If hosing is unavoidable, the hose water must be collected and conveyed to treatment.

S4. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee must not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee must apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee must submit all proposed revisions or modifications to the solid waste control plan to Ecology. The Permittee's existing Solid Waste Control Plan must be updated to include any applicable solid waste disposal management methods as it pertains to State Waste Discharge Permit No ST 6175. The Permittee must comply with any modifications to this Control Plan. Changes to the Plan must be sent to Ecology within 30 days of the modification. If no modifications to the Solid Waste Control Plan have been made during this permit cycle, then the Permittee must review and update the Solid Waste Control Plan and submit it to Ecology no later than **January 2, 2013.**

S5. SPILL PLAN

The Permittee must review the existing Spill Control Plan at least annually and update the Spill Control Plan as needed. Changes to the Plan must be sent to Ecology within 30 days of the modification. The Plan and any supplements must be followed throughout the term of the permit. If no modifications to the Spill Control Plan have been made during this permit cycle, then the Permittee must review and update the Spill Control Plan and submit it to Ecology no later than **January 2, 2013**.

The Spill Control Plan must include the following:

- A description of operator training to implement the plan.

- A description of the reporting system which will be used to immediately alert facility managers and legal authorities (i.e. Department of Ecology and US Coast Guard) in the event of a spill or unpermitted discharge.

- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills or unpermitted discharges. The use of dispersants and emulsifiers are prohibited without specific approval from the Director of Ecology.

- Address the prevention, containment, and control of spills or unplanned discharges of: 1) oil and petroleum products, 2) materials, which when spilled, or otherwise released into the environment, are designated Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or 3) other materials which may become pollutants or cause pollution upon reaching the waters of the State.

- Plans and manuals required by 40 Code of Federal Regulations (CFR) Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.

- In case of a release of sandblast grit and paint into the waterway, the spill plan must include a provision for skimming of paint and sandblast grit from the waterway.

- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

The Plan and any supplements must be followed throughout the term of the permit. The Spill Control Plan must be kept on site and made available upon request. For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

S6. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The definitions of terms used in this section are provided in the guidance document entitled **Guidance Manual for Preparing/Updating a Stormwater Pollution Prevention Plan for Industrial Facilities** (Ecology Pub. No. 04-10-030), which is published by Ecology. The SWPPP must incorporate the applicable BMPs provided in Special Condition S3. of this permit for on-site stormwater runoff that flows to the stormwater treatment system. The SWPPP include both the BMPs related to the incidental discharges to the Middle Waterway from the dry-dock, marine railway, and pierside operations (this permit) as well as the BMPs that are related to the treated stormwater discharge to ground as covered under State Waste Discharge Permit (No. ST 6175).

A. <u>General Requirements</u>

1. Submission, Retention, and Availability:

The SWPPP must include a discussion of pollution prevention practices and BMPs that are related to this NPDES permit as well as related to the State Waste Discharge permit (No. ST 6175) which regulates marine railway and dry dock stormwater discharges to the Middle Waterway in the same document. The SWPPP and all of its modifications must be signed in accordance with General Condition G1. The SWPPP must be retained on site.

2. Modifications:

The Permittee must modify the SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP must be modified, as appropriate, within two months of such determination. The proposed modifications to the SWPPP must be submitted to Ecology at least 30 days in advance of implementing the proposed changes in the plan unless Ecology approves immediate implementation. The Permittee must provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into an SWPPP become enforceable requirements of this permit.

4. The SWPPP must conform to the guidance provided in **Guidance Manual for Preparing/Updating a Stormwater Pollution Prevention Plan for Industrial Facilities**. The plan must contain the following elements:

   a. Assessment and description of existing and potential pollutant sources.

   b. A description of the operational BMPs.

   c. A description of selected source-control BMPs.

   d. When necessary, a description of the erosion and sediment control BMPs.

   e. When necessary, a description of the treatment BMPs.

   f. An implementation schedule.

B. Implementation

The Permittee must conduct two inspections per year: one during the wet season (October 1 – April 30) and the other during the dry season (May 1 – September 30).

1. The wet season inspection must be conducted during a rainfall event by personnel named in the SWPPP to verify that the description of potential pollutant sources required under this permit are accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet weather inspection must include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharge(s).

2. Personnel named in the SWPPP must conduct the dry season inspection. The dry season inspection must determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including leachate) to the stormwater drainage system. If an unpermitted, non-stormwater discharge is discovered, the Permittee must immediately notify Ecology.

C. Plan Evaluation

The Permittee must evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record must be maintained summarizing the results of inspections and include a certification, in accordance with Condition G1., that the facility is in compliance with the plan and in compliance with this permit. The record must identify any incidents of noncompliance.

The Permittee must comply with any modifications to this Control Plan. Changes to the Plan must be sent to Ecology within 30 days of the modification. If no modifications to the SWPPP have been made during this permit cycle, then the Permittee must review and update the SWPPP and submit it to Ecology no later than **January 2, 2013.**

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to Ecology must be signed and certified.

A. All permit applications must be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

B. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to Ecology.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section must make the following certification:

> "I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon Ecology's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.

2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.

3. A material change in quantity or type of waste disposal.

4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].

5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].

6. Nonpayment of fees assessed pursuant to Revised Code of Washington (RCW) 90.48.465.

7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:

1. A material change in the condition of the waters of the state.

2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.

5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.

6. Ecology has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.

7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A.1. through A.7., of this section, and Ecology determines that modification or revocation and reissuance is appropriate.

2. Ecology has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8.) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING PLANNED CHANGES

The Permittee must, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to Ecology of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications must be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities must be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit must be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee must apply for permit renewal no later than **January 2, 2013**.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee must notify the succeeding owner or controller of the existence of this permit by letter, a copy of which must be forwarded to Ecology.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date.

2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.

3. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, must control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee must submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee must also submit to Ecology upon request, copies of records required to be kept by this permit.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee must submit payment of fees associated with this permit as assessed by Ecology.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit must be deemed guilty of a crime, and upon conviction thereof must be punished by a fine of up to $10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit must incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to $10,000 for every such violation. Each and every such violation must be a separate and distinct offense, and in case of a continuing violation, every day's continuance must be deemed to be a separate and distinct violation.

G16. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S2.3; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit must, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment must be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or by both.

G21. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee must give advance notice to Ecology by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, must be scheduled during non-critical water quality periods and carried out in a manner approved by Ecology.

G22. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to Ecology, it must promptly submit such facts or information.

G23. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify Ecology as soon as they know or have reason to believe:

A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

1. One hundred micrograms per liter (100 μg/L).

2. Two hundred micrograms per liter (200 μg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.

3. Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

1. Five hundred micrograms per liter (500μg/L).

2. One milligram per liter (1 mg/L) for antimony.

3. Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

G24. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.